

IN THE HIGH COURT OF HIMACHAL PRADESH SHIMLA

CWP No. 623 of 2006

Date of decision: 16.4.2007

Kailash Chand	Versus	..Petitioner
Indian Oil Corporation		Respondent

Coram:

The Hon'ble Mr. Justice Deepak Gupta, Judge.

The Hon'ble Mr. Justice Surinder Singh, Judge

Whether approved for reporting?

For the Petitioner: Mr. R.K.Gautam Sr. Advocate
 Ms. Archna Dutta, Advocate.

For Respondent Mr. K.D.Sood, Advocate.

Per Deepak Gupta, J (Oral)

The sole question which arises for decision in this case is whether the case of the petitioner was considered by the respondent as per the norms laid down in the schemes for allotment of Kisan Sewa Kendras.

The undisputed facts of the case are that the respondent (Indian Oil Corporation) issued an advertisement inviting application for allotment of various Kisan Sewa Kendras and one such Kendra, at Sr.No. 479 of the advertisement, was to be located on the Bangran Dak Pathar Road, Tehsil Paonta Sahib, District Sirmaur. This advertisement envisages that the site where the Kisan Sewa Kendra is to be set up is within Paonta Block and is situated on the Bangran Dak Pathar Road, Tehsil Paonta Sahib, District Sirmaur. The petitioner has been allotted zero marks on account of

the site. The stand of the respondent is that the site offered by the petitioner is not on the Bangran Dak Pathar Road, therefore, he was awarded nil marks.

On behalf of the petitioner, it is contended that the land which was offered by Sh.Bhupinder Pal Singh, one of the persons who had applied for Kisan Sewa Kendra, is six kilometers away from Bangran and Bhupinder Pal Singh has been awarded 13.54 marks. It may be that the land of Bhupinder Pal is six kilometer away from Bangran but it appears that the site is on the Bangran Dak Pathar Road. In any event, none of the persons who had applied for the allotment of the said KSK has been allotted the same and this KSK has to be advertised again.

We find no error in the assessment made by the respondents which is based on adequate material and the writ petition is accordingly rejected. However, it is clarified that the petitioner shall be at liberty, if otherwise eligible, to apply afresh as and when the Kisan Sewa Kendra is advertised again and his case shall be considered on its own merits and the respondent shall not be influenced by the filing or the rejection of the present petition.

(Deepak Gupta), J.

April 16, 2007
(TM)

(Surinder Singh), J.